

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of the Secretary

Repeal of Previous Emergency Rule on Waste Tires (LAC 33:VII.Chapter 105)(SW020E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary to repeal the provisions of SW019E. This emergency rule is imperative to limit the unnecessary depletion of the Waste Tire Management Fund due to the provisions of SW019E. This emergency rule in no way prohibits the department from addressing similar provisions through formal rulemaking pursuant to the Administrative Procedure Act, R.S. 49:953(B), and under authority of R.S. 30:2011.

On December 19, 1995, the department adopted an emergency rule, SW019E, published in the *Louisiana Register*, January 20, 1996, pages 3-4, which claimed emergency action was necessary, due to the ever increasing number of waste tires being generated, to provide incentives and assistance for the collection and transportation of waste tires, required by R.S. 30:2418(H)(5). The Declaration of Emergency for SW019E provided in part as follows:

"Presently, there is no economic incentive to process waste tires not located near permitted waste tire processors. Accordingly, many waste tires may not be processed and disposed of in accordance with LAC 33:VII.10531 et seq. The DEQ is preparing a rule which includes similar provisions to those contained in this emergency rule. The intent of this emergency rule is to make funds available from the Waste Tire Management Fund to provide for the processing and disposal of waste tires, which are presently not economically feasible to process and dispose of due to the remoteness of the site of generation from the processing facilities."

After review of SW019E, the department has determined that at present there is insufficient information to substantiate the need for Emergency Rule SW019E. Until additional information is assembled that validates the need for the provisions of Emergency Rule SW019E, it is not prudent to continue the depletion of the Waste Tire Management Fund in such a manner.

This emergency rule is effective on February 19, 1996. For more information concerning SW020E, you may contact DEQ's Investigations and Regulation Development Division at (504) 765-0399.

Emergency Rule

Effective February 19, 1996, the department repeals the provisions of Emergency Rule in LAC 33:VII.Chapter 105 (SW019E), published in the *Louisiana Register*, January 20, 1996, pages 3-4.

J. Dale Givens
Secretary